

A regular meeting of the City Council was held in the Council Chambers with Councillor Brophy presiding. The meeting was called to order at 8:04 pm with eleven members being present.

In City Council, April 9, 2012

APPOINTMENTS

- 204** Reappointment of Peter G. Asiaf, Jr., of 26 Nylan Rd., Brockton to the Housing Authority Board of Commissioners for a term of five years ending March 2017.

Referred to Finance

- 203** Reappointment of Joseph E. Moses, of 136 Falconer Avenue, Brockton, to the Board of Elections Commission for a four year term ending April 2016.

Referred to Finance

- 174** Reappointment of Henry A. Silvia, Jr., of 225 Myrtle Street, Brockton, to the Board of Elections Commission for a four year term ending April 2016.

Referred to Finance

- 175** Reappointment of Catherine M. Mallard, of 55 Cottage Grove Avenue, Brockton, to the Board of Elections Commission for a four year term ending April 2016.

Referred to Finance

- 176** Reappointment of William J. Pribusauskas, of 143 Ridge Street, Brockton, to the Board of Elections Commission for a four year term ending April 2016.

Referred to Finance

HEARINGS

Ordered: That the license granted to Jonas Garcon by the City Council for a Motor Vehicle Repair License at 495 Main Street is hereby revoked as this license is not being exercised in accordance with the terms of the license and as a result of outstanding real estate taxes.

Councillor Studenski motioned to postpone until the next City Council meeting, and was properly seconded. The owner was not available to attend the hearing. The motion carried by a hand vote. There is a letter on file from the owner's counsel.

Ordered: That the license granted to Faramarz Fathi by the City Council for a Motor Vehicle Repair License at 787 Main Street is hereby revoked as this license is not being exercised in accordance with the terms of the license.

No one appeared in favor of the revocation. No one was in opposition of the revocation. Hearing closed. Council President Brophy calls a brief recess. Councillor Brophy states that there needs to be a hearing, because of the revocation. There needs to be evidence, so it was referred to Public Safety for the hearing.

Petition of Carlton Wilmot/Carlton Auto Repair for a Motor Vehicle Repair Mechanical License located at 761 Warren Ave.

Carlton Wilmot of 761 Warren Ave. appeared in favor. Councillor Studenski questioned the petitioner as to where exactly was the location. The petitioner stated that it was located on the corner of Myrtle St. and Warren Ave.

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HEARINGS (cont'd)

Councillor Eaniri stated that the area was in his ward and no one contacted him regarding the matter and so he motioned to postpone until the next City Council meeting and was properly seconded. The motion carried by a hand vote.

Petition of NGRID and Verizon New England, Inc., proposing to install 1 new joint pole #71-1 Centre St., 27 Feet west of existing Pole 72 Centre St., for new service to house #821 Centre Street.

Councillor Petti stepped in at 8:10pm. Councillor Eaniri stepped down.

Tom Cichocki appeared in favor. He stated that this is not for a residence, but for Comcast to rebuild the pole. No one appeared in opposition. Hearing held.

Petition of Extenet Systems to gather testimony, information and public input concerning a petition presented by Extenet Systems, Inc., requesting the City of Brockton by and through its City Council, grant permission to install and connect antenna and a control cabinet to a utility pole presently located within the City of Brockton.

Carly Cower, Extenet Systems, appeared in favor. Councillor DuBois questioned her on placement and how the device will work. Carly stated that it is a cell antenna that works off a utility pole. She also states that there are 15 pole locations. Councillor DuBois motioned to send to Finance, to find out more information about it and was properly seconded. Councillor DeNapoli stated that this is a utility pole hearing and shouldn't be referred to Finance. Councillor DuBois asked to get more information before the Finance Meeting on the petition. The motion carried by a hand vote, ten members present with eight voting in the affirmative. Councillors MacMillan and Studenski voting in the negative to refer to Finance. Councillor Sullivan absent.

REPORTS

- 178** Of the Public Safety Committee for its meeting of April 2, 2012

Accepted and placed on file

- 179** Of the Finance Committee for its meeting of April 2, 2012

Accepted and placed on file

COMMUNICATIONS

- 180** From the Southeastern Regional School District Committee, submitting the budget for FY 2013. The amount to be apportioned to the City of Brockton for its share of capital and operating costs for the fiscal period beginning July 1, 2012, is \$2,741,616.

Accepted and placed on file

- 181** From the City Auditor certifying that the balance of the Stabilization Fund as of April 2, 2012 is \$5,582,517.37

Accepted and placed on file

- 182** From the Director of Veteran Services requesting a supplemental appropriation of \$160,000 to meet the anticipated demand for the Veterans Services through June 30, 2012.

Accepted and placed on file

COMMUNICATIONS (cont'd)

- 183** From the Mayor in accordance with M.G.L., Ch. 44, recommending an appropriation of \$160,000 from Stabilization Fund to Veterans Services- Ordinary Maintenance-Goods (in order to be able to pay anticipated veterans benefits for the remainder of FY12).

Accepted and placed on file

- 184** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$160,000 from Stabilization Fund to Veterans Services- Ordinary Maintenance-Goods **for the current fiscal year only. However, this use of the Stabilization Fund will diminish funds available to support the FY13 budget and the current rate of expenditure on these benefits is likely to continue into next year, which is already a difficult budget year.**

Accepted and placed on file

- 185** From the Chief of Police requesting authorization to expend grant monies related to the Executive Office of Public Safety & Security/Highway Safety Division's FY2012 Traffic Enforcement Grant.

Accepted and placed on file

- 186** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of the grant award in the amount of \$60,000 from the Executive Office of Public Safety and Security/Highway Safety Division FY12 Traffic Enforcement Grant to Brockton Police Department: FY12 Traffic Enforcement Grant. There is an in-kind match of \$15,000 to be used towards grant preparation and administration, court related appearances, supervision, and fuel costs. The grant period is from May 14, 2012 to September 3, 2012.

Accepted and placed on file

- 187** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$60,000 from the Executive Office of Public Safety and Security/Highway Safety Division FY12 Traffic Enforcement Grant to Brockton Police Department: FY12 Traffic Enforcement Grant.

Accepted and placed on file

- 188** From the Fire Chief requesting a transfer of \$100,000.00 from Fire Department-Personal Service other than Overtime (Separation Costs) to Regular Overtime (in an attempt to keep all Fire Stations open and all Fire Companies in services for the remainder of the year) and a transfer of \$20,000 from Sick Leave Bonus to Vehicle Repair and Maintenance.

Accepted and placed on file

- 189** From the Mayor in accordance with M.G.L., Ch. 44, recommending transfers of \$100,000 from Fire Department- Personal Service other than Overtime (Separation Costs) to Fire Department-Overtime (in an attempt to keep all Fire Stations open and all Fire Companies in services for the remainder of the year) and \$20,000 from Fire Department-Personal Services other than Overtime (Sick Leave Bonus) to Fire Department-Ordinary Maintenance-Services (for the vehicle repair and maintenance to the fire vehicles)

Accepted and placed on file

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COMMUNICATIONS (cont'd)

- 190** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfers of \$100,000 from Fire Department- Personal Service other than Overtime to Fire Department-Overtime, and \$20,000 from Fire Department-Personal Services other than Overtime to Fire Department-Ordinary Maintenance-Services.

Accepted and placed on file

- 191** From the DPW Commissioner requesting a transfer of \$50,000 from DPW – Highway Division-Personal Services other than Overtime to DPW Highway Division-Overtime for the remainder of the fiscal year. A large portion of the overtime monies were spent during Tropical Storm Irene.

Accepted and placed on file

- 192** From the Mayor in accordance with M.G.L., Ch. 44, recommending a transfer of \$50,000 from DPW –Highway Division-Personal Services other than Overtime to DPW Highway Division-Overtime for the remainder of the fiscal year. A large portion of the overtime monies were spent during Tropical Storm Irene.

Accepted and placed on file

- 193** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed transfers of \$50,000 from DPW –Highway Division-Personal Services other than Overtime to DPW Highway Division-Overtime

Accepted and placed on file

- 194** From the Chief of Police requesting authorization to expend grant monies related to the Executive Office of Public Safety & Security's FY12 Senator Charles E. Shannon Community Safety Initiative Grant in the amount of \$373,000.

Accepted and placed on file

- 195** From the Mayor in accordance with M.G.L., Ch. 44, recommending that the City Council authorize the appropriation of the grant award in the amount of \$373,000 from Executive Office of Public Safety FY12 Senator Charles E. Shannon Community Safety Initiative Grant to Brockton Police Department: FY12 Senator Charles E. Shannon Community Safety Initiative Grant. There is an in-kind match of \$134,040 to be used towards the project director's salary, summer job stipends for youth in conjunction with the Career Assessment and Work Readiness programs, year round usage of a restored classroom equipped with computer equipment, graffiti removal, lot cleanup, and Parole assistance in warrant apprehensions. The grant period is from January 23, 2012 to December 31, 2012.

Accepted and placed on file

- 196** From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$373,000 from Executive Office of Public Safety FY12 Senator Charles E. Shannon Community Safety Initiative Grant to Brockton Police Department: FY12 Senator Charles E. Shannon Community Safety Initiative Grant.

Accepted and placed on file

UNFINISHED BUSINESS

- 108** Ordinance: An Ordinance amending Chapter XXIII of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 23. Water, Sewer and Sewage Disposal. Sec. 23-23 Meters. (FAVORABLE AS AMENDED) (IN CITY COUNCIL, MARCH 26, 2012, PASSED TO A THIRD READING AS AMENDED)

Ordained as amended by a roll call vote taken by “yeas” and “nays”; ten members present with nine voting in the affirmative. Councillor DuBois voting in the negative. Councillor Sullivan absent.

- 133** Ordered: That the DPW Commissioner is authorized to issue 156 single family sewer connections once all necessary City permits are approved to the property located off of East Ashland Street (plot # _____) owned by Boulders Realty Trust. (FAVORABLE) (IN CITY COUNCIL MARCH 26, 2012, POSTPONED AS AMENDED)

Councillor DuBois motioned to postpone item **133** until a time specific when the plan has been approved by the Planning Board or the developer chooses to go to Zoning Board of Appeals.

Councillor Sullivan stepped in at 8:28pm.

Councillor DuBois read a memo from Caitlyn Leach, Asst. City Solicitor, which states that the application is invalid based on the Zoning Board application. The application must be heard on April 3, 2012 for due process, but then be denied and then the applicant can go to Zoning Board for a variance. Councillor MacMillan seconded the motion to postpone. Councillor Cruise stated that as the City Council, they are just voting on the sewer connections and not zoning or planning issues. Councillor DuBois interrupts Councillor Cruise. Councillor Brophy bangs the gavel and states that she is out of order. Councillor DuBois quotes Robert’s Rules of Order. Councillor Brophy stated that Councillor DuBois was speaking condescendingly to other Councillors and insulting his intelligence. Councillor DuBois stated that she wants to be prudent and wants this to go through all necessary avenues. Councillor Brophy stated that Councillor Cruise was in order and Councillors are not allowed to interrupt other Councillors. Councillor DuBois requests a roll call vote on the postponement. The motion carries by a roll call vote taken by “yeas” and “nays”; eleven members present and seven voting in the affirmative. Councillors Brophy, Cruise, Eaniri and Monahan voting in the negative.

- 139** Reappointment of Rosemary Foster of 105 Belair Street to the Housing Authority Board of Commissioners for a term of five years ending March 2017. (FAVORABLE)

Confirmed by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

- 165** Ordered: That the City Council accepts and expends the grant award in the amount of \$517,882
From: U.S. Department of Justice Community Oriented Policing Services FY11 Hiring Grant
To: Brockton Police Department: Community Oriented Policing Servicing FY11 Hiring Grant. (These grant fund will be used to pay for the salary and benefits of two full time patrol officers at entry level pay) (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

UNFINISHED BUSINESS (cont'd)

- 164** Ordered: That the City Council accepts and expends the grant award in the amount of \$112,645
 From: Department of Justice/Bureau of Justice Assistance FY11 Justice Assistance Grant
 To: Brockton Police Department: FY11 Justice Assistance Grant. (These grant funds will be used to pay for the contracted services of social workers to support both our Child Witness to Violence and Operation Divinity efforts.)
 (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

- 166** Ordered: That the City Council accepts and expends the grant award in the amount of \$10,000
 From: the Commonwealth of Massachusetts-Massachusetts Historical Commission Survey and Grant Program
 To: Planning Department-Historical Commission Grant for Historic Buildings in Downtown. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

- 168** Transfer of: \$14,000
 From: Sale of Lots and Graves-Melrose Cemetery
 To: Cemetery to Cemeteries-Ordinary Maintenance Services-Engineering
 (For engineering costs associated with expansion at Melrose Cemetery)
 (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

- 169** Transfer of: \$160,000
 From: Police Department-Personal Services
 To: Police Department-Overtime
 (in order to fund the remainder of this fiscal year) (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

- 170** Transfer: totaling \$17,500.00
 From: Parking Authority-Capital Projects-City Lots-\$12,500.00 and
 Parking Authority-Personal Services other than Overtime-\$5,000
 To: Parking Authority-Capital Projects
 (for the purchase of a new van to replace the current vehicle, which has reached the end of its useful lifetime.) (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

- 171** Resolved: That the City Council expresses its support for Brockton Knocks Down Diabetes and invites Leo MacNeil from HarborOne Credit Union to appear before a committee of this Council to present the program of Brockton Knocks Down Diabetes. (FAVORABLE)

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative.

UNFINISHED BUSINESS (cont'd)

- 50** Resolved: That the Mayor, Chief Financial Officer, Brockton Rox CEO Chris Carminucci and representatives of the Brockton 21st Century Corp., be invited to appear before a committee of this council to discuss the issues of future lease payments, the future use of Campanelli Stadium and any expected impact upon the City's budget in upcoming fiscal years. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present with eight voting in the affirmative. Councillors DeNapoli, DuBois and MacMillan voting in the negative.

- 87** Resolve: That the Chief Financial Officer, the Treasurer-Collector, the City's outside auditors be invited to appear before a committee of this Council to provide information to the City Council relative to the City's financial statements and audits and the resources anticipated to be available for the Fiscal Year 2013 Annual Budget including, but not limited to, certified free cash and the amount of the City's reserves. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present with all voting in the affirmative.

- 85** Resolve: That the Department of Public Works Commissioner is authorized to issue a sewer connection permit to R.K. Plaza, located in Brockton and Stoughton, and to enter into an Intermunicipal Agreement with Stoughton regarding the same. (FAVORABLE)

Adopted by a roll call vote taken by "yeas" and "nays"; eleven members present with all voting in the affirmative.

ORDERS

- 197** Resolved: That The Brockton City Council urges the Governor and the state legislature to invest in our communities, to strengthen our economy and to improve the quality of life of Massachusetts residents by passing legislation that raises substantial new revenue while holding down increases for low and middle income individuals and families.

Councillor Sullivan speaks as a point of information that he filed this resolve and that similar resolves have been filed in New Bedford and Fall River.

Referred to Finance.

Councillor Cruise motioned for reconsideration on item **85** with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

Referred to Finance.

- 198** Appropriation of: \$160,000
From: Stabilization Fund
To: Veterans Services- Ordinary Maintenance-Goods **for the current fiscal year only. However, this use of the Stabilization Fund will diminish funds available to support the FY13 budget and the current rate of expenditure on these benefits is likely to continue into next year, which is already a difficult budget year.**

Referred to Finance.

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ORDERS (cont'd)

- 199** Appropriation of: \$60,000
From: Executive Office of Public Safety and Security/Highway Safety
Division FY12 Traffic Enforcement Grant
To: Brockton Police Department: FY12 Traffic Enforcement Grant.
There is an in-kind match of \$15,000 to be used towards grant preparation and administration, court related appearances, supervision, and fuel costs. The grant period is from May 14, 2012 to September 3, 2012.

Referred to Finance.

- 200** Transfer:
Of: \$100,000
From: Fire Department- Personal Service other than Overtime (Separation Costs)
To: Fire Department-Overtime (in order to keep all Fire Stations open and all Fire Companies in services for the remainder of the year) and \$20,000
From: Fire Department-Personal Services other than Overtime (Sick Leave Bonus)
To: Fire Department-Ordinary Maintenance-Services (for the vehicle repair and maintenance to the fire vehicles)

Councillor Studenski motioned to move under suspension of the rules and act on tonight and also have the Fire Chief Francis answer any questions the Councillors may have regarding the transfer. The motion was properly seconded. The motion carried by a hand vote.

Chief Francis explained the transfer and stated that he will not be able to make it to the Finance Meeting next Tuesday night.

Councillor DuBois commends him on his bookkeeping skills and for trying to keep all of the stations open, especially in Ward 6. Councillor Studenski also thanked him for his work.

Adopted by a roll call vote taken by “yeas” and “nays”; eleven members present with all voting in the affirmative. Councillor Studenski motioned for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

- 201** Transfer of: \$50,000
From: DPW –Highway Division-Personal Services other than Overtime
To: DPW Highway Division-Overtime for the remainder of the fiscal year. A large portion of the overtime monies were spent during Tropical Storm Irene.

Referred to Finance.

- 202** Ordered: That the City Council accepts and expends the grant award in the amount of \$373,000
From: Executive Office of Public Safety FY12 Senator Charles E. Shannon Community Safety Initiative Grant
To: Brockton Police Department: FY12 Senator Charles E. Shannon Community Safety Initiative Grant. There is an in-kind match of \$134,040. The grant period is from January 23, 2012 to December 31, 2012.

Referred to Finance.

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ORDERS (cont'd)

Ordered: That Extenet Sytems, Inc., is hereby granted locations for and permission to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to existing utility poles, located upon and along the public ways within the City of Brockton, as substantially shown on the plan filed with said petition. In addition, the petitioner is hereby granted permission to install conduit or direct bury fiber cable as indicated in the plans.

Referred to Finance.

Granting: Of NGRID and Verizon New England, Inc., proposing to install 1 new joint pole #71-1 Centre St., 27 Feet west of existing Pole 72 Centre Street.

Granted by a hand vote.

LATE FILES

Councillor Monahan motioned to move under suspension of the rules and accept a late file and was properly seconded. The motion carried by a hand vote.

- 177** Resolved: that Representatives of the McCabe Enterprises Team, the Mayor, the Planning Department, the Brockton 21st Century Corporation and the Brockton Redevelopment Authority, be invited to appear before a Committee of this Council to make a presentation on the City of Brockton Development Planning; Downtown Report

Referred to Finance.

Councillor DuBois takes a moment of personal privilege to state that on April 14, 2012 the Brookfield Little League will have its opening day and have a parade in the school parking lot.

Councillor Eaniri takes a moment of personal privilege to state that on April 17, 2012 at 6pm there will be a Public Safety meeting and there will be a Ward 3 meeting at the Kennedy School from 7-9pm. Manny Gomes and the president of the Rox will be attending.

Councillor Stewart takes a moment of personal privilege to state that this week is National Coin Week and on Saturday at 1pm at the Main Library they will be having presentations.

Councillor Cruise asks for a moment of silence for Mary Valente, the Mayor's sister, who passed away this week.

Councillor Monahan takes a moment of personal privilege to state that the Brockton High School Alumni Carl Landerholm will be honored in the Azure Cafe of the Brockton High School from 5:30pm to 7pm tomorrow.

Adjourned 8:55pm